

MINUTES
State Board of Education
April 15, 2004

The April meeting of the State Board of Education was held in the State Board Room, Grimes State Office Building, Des Moines. The following Board members were present: Gene Vincent, Jim Billings, Charles Edwards, Sister Jude Fitzpatrick, Greg McClain (telephonically), Mary Jean Montgomery, Don Roby, Megan Srinivas and Kay Wagner. Board member absent: Sally Frudden. Also present were Department Director Ted Stilwill and Department staff members Gail Sullivan, Judy Jeffrey, Lee Tack, Carol Greta, Jan Friedel, Kathi Slaughter, Jeff Berger, Lois Irwin, Laurie Phelan, Jeannette McGreevey, Jim Reese, Linda Miller, Julia Thorius, Tom Anderson, Ray Morley and Beverlee Adams. Also present were Stephen Wooderson, Division of Vocational Rehabilitation Education and Services, Bonnie Meier, Lee Meier, and Rick Roghair, Sioux Central Community School District, Mike Jorgenson, Southeast Webster, Carol Everson, Pearson Educational Measurement, Mary Lynn Jones, Des Moines Public Schools, and Madelaine Jerousek, *The Des Moines Register*.

President Gene Vincent called the Board's business meeting to order at 12:45 p.m.

It was moved by Sister Jude Fitzpatrick and seconded by Mary Jean Montgomery to approve the agenda as written.

COMMUNICATION

Public Comment

There was no public comment.

Board Reports

Charles Edwards – No report

Megan Srinivas – No report

Jim Billings reported on the Technology Advisory Committee meeting he had attended and shared a handout from the meeting with the Board.

Mary Jean Montgomery indicated she was excited about the technology report and its work. She reported she had attended the IPTV Board meeting and gave an overview of the discussion of goals and objectives being discussed.

Montgomery shared Senate Resolution 138 recognizing John Blong for his 37 years of service in community college work.

Greg McClain reviewed his attendance at the NASBE Study Group meeting of the Commission on High School Athletics: An Era of Reform. He also indicated he and Laurie Phelan of the department had arranged a special I-JAG meeting with members of the Cedar Rapids Chamber of Commerce, Cedar Rapids School District and representatives of Washington High School to approve an I-JAG program for Washington High School. The meeting was held at George Washington High School in Cedar Rapids.

Kay Wagner reported she had attended the legislative forum held in eastern Iowa.

Don Roby said he had talked with the local rotary club about the State Board's role in education as well as the role of area education agencies and community colleges. He also discussed the budgetary concerns of these organizations.

Gene Vincent expressed his thanks to the State Board for their support during his recent surgery and recovery.

Presentation to Retiring Board Members

President Gene Vincent presented Kay Wagner and Don Roby with appreciation thoughts and gifts for the expertise and hours of service they had given to the Board during their tenure.

Director Report

Director Stilwill reported on the following topics:

Update--No Child Left Behind
CCSSO--Legislative Conference Review
Funding Conversations—State and Federal
NCLB Letter to Congressional Delegation—Department/State Board

Legislative Update

Jeff Berger, Legislative Liaison, presented an overview of current legislative activity. Director Stilwill and Jeff Berger outlined discussions being debated on the teacher quality, infrastructure and allowable growth bills.

CONSENT AGENDA

Minutes

The minutes of the March 11-12, 2004 State Board meeting were approved.

Division of Vocational Rehabilitation State and Strategic Plan

Stephen Wooderson, Administrator, Division of Vocational Rehabilitation Services presented the Vocational Rehabilitation Services Strategic Plan Progress Report. He reported that vocational rehabilitation is a federal/state funded program. When receiving a referral, an applicant is evaluated for eligibility according to federal criteria outlined in the Rehabilitation Act of 1973, amended in 1998. When eligibility is determined, the client may access services that are intended to lead to employment in the competitive marketplace. Wooderson said that services may include evaluation, guidance and counseling, training, assistive technology, and direct job placement. DVRS currently serves all clients that are determined to be the most significantly disabled. Other new referrals are placed on a waiting list.

Mr. Wooderson cited the strategic plan goals as follows:

1. To be a leader in customer-responsive service delivery resulting in quality outcomes for DVRS clients.
2. To increase public awareness and support for DRS in order to assist clients to achieve their economic, independence and employment goals.
3. To optimize resources to achieve the DVRS mission.
4. To shape environmental factors, influence public policy, and be prepared for changes which affect the ability of individuals with disabilities to achieve their economic, independence and employment goals.

He said the VR program not only benefits its participants but also helps to assure that the participants can contribute to all of society.

Iowa Public Charter School: Approval for Charter Status

Judy Jeffrey, Administrator, Division of Early Childhood, Elementary and Secondary Education, introduced this agenda item and provided some background information regarding the two applications applying for

approval. Laurie Phelan, Administrative Consultant and Charter School Manager said that two application profiles had been received.

Superintendent Mike Jorgensen, Southeast Webster High School presented information on "Iowa Center Charter High School". He indicated the charter would serve approximately 114 students from 11th and 12th grades that have specific vocational and academic needs and who want to be on a "fast track" to post-secondary education. Highlights of the charter school include:

- Individualized learning plans for each student based on student needs
- Local offerings, college campus offerings, and distance learning opportunities
- High expectations for all students

Bonnie Meier, Superintendent and Rick Roghair, Charter School Principal, Sioux Central Community School District were present to provide information on the proposed application for "Buffalo Ridge Elementary Charter School". Superintendent Meier said the school would serve approximately 60 students in grades 1-6. The charter would utilize scientifically based research and best practices such as inquiry learning and decision-making as pathways to learning through science, math, and fine arts. Mr. Roghair indicated that technology would be integrated into the learning strategies. Highlights include:

- Curriculum developed around thematic units in decision-making and inquiry
- Fine Arts as an integral part of the charter (means of further engaging students)
- Use of instructional technology in all areas
- Career Exploration
- Accessing all children's learning styles upon entry to the charter
- Grade levels will disappear and advancement will be dependent upon skill attainment and achievement of benchmarks
- Development of a true learning community

Phelan said the proposed charter school applicants were seeking State Board approval for official start-up in the fall of 2004.

Don Roby commented he was pleased with the heavy parental partnership in both charter school discussions.

Motion: It was moved by Jim Billings and seconded by Mary Jean Montgomery to approve the applications for Buffalo Ridge

Elementary Charter School and Iowa Central Charter School for official start-up in the fall of 2004.

Vote: The motion carried unanimously.

Update on Initiatives Addressing the Needs of Diverse Learners

Administrator Judy Jeffrey, Division of Early Childhood, Elementary and Secondary Education updated the Board on efforts taken by the Department to address the needs of diverse learners. She also introduced members of the Department team that would also be presenting on this agenda item. They were as follows: Jim Reese, Chief, Bureau of Instructional Services, Jeanette McGreevy, Chief, Administration and School Improvement Services, and Linda Miller, Consultant, Bureau of Children, Family and Community Services.

Jeffrey cited and discussed the three components that were guiding school efforts to enhance student outcomes. She outlined them as follows:

- Academic Instruction Component
- Leadership Component
- Learning Supports Component

The strategic goals for State Action for Education Leadership Project II were 1) Embed the Iowa Leadership Standards, 2) Create new governance models, and 3) Close the achievement gap. Ms. Jeffrey discussed the process and actions to be taken to accomplish these goals.

Jeanette McGreevey, Chief, Bureau of Administration and School Improvement Services outlined the work being done with school districts in submitting a new comprehensive school improvement plan that is realistic and that will serve the district well over a long period of time. She pointed that out that schools are in the business of doing many things and the thrust of this work was to provide them technical assistance with regard to this leadership document. The document was intended to be the framework by which the schools were going to improve student achievement.

Jim Reese, Chief, Bureau of Instructional Services, presented an overview of the academic instruction component. He said this component focused on teaching and learning with the goal being acceleration of student achievement through the implementation of evidence-based instruction. Reese listed the three segments of instruction to be addressed 1) classroom, 2) supplemental, and 3) intensive. He said that decisions in deciding at which level of instruction a student is engaged with is done individually and based on student performance data. Reese also discussed the Every Child Reads, Every Child Counts and Every Student Counts work

that was currently being done. He acknowledged several programs that were ongoing in this area.

Linda Miller, Consultant, Bureau of Children, Family and Community Services, addressed the Success4 program and its focus on the culture climate of schools, issues around social, emotional, intellectual, and behavioral development. The redesign of Success4 was being rethought as a system of learning supports. Miller said the focus was being directed to the results we want for kids. The system change would include integrated family, school and community efforts; a full, multifaceted and cohesive continuum of programs and services; aligned and supportive policies and resources; coordinated systems of data management and evaluation; and inclusive policies, programs, and services responsive to human diversity. Miller said the agencies collaborating in the development of this project are Education, Health, Child Welfare/Juvenile Justice, Substance Abuse, Economic Development, and Workforce Development. One of the key elements was getting from a fragmented system with multiple goals to a system of learning supports oriented toward student achievement.

Judy Jeffrey said the Department had completed a review of literature on instructional strategies to assist in decreasing the gap. The efforts undertaken throughout the Department have integrated these needs into the strategies that are proposed to local school districts.

School Nutrition Update

Director Ted Stilwill reported that Iowa's Department of Education Food and Nutrition Bureau under the leadership of Julia Thorius is well-respected nationally and has received national awards. Judy Jeffrey, Administrator, Division of Early Childhood, Elementary and Secondary Education, talked about the success of the programs monitored by the Food and Nutrition Bureau.

Julia Thorius, Chief, Bureau of Food and Nutrition, presented an overview of how the USDA Child Nutrition Programs are administered on behalf of the State of Iowa. She said the Child Nutrition Programs include the National School Lunch Program, School Breakfast Program, Afterschool Care Snack Program, Special Milk Program, Commodity Food Distribution Program, Child and Adult Care Food Program for Independent Sponsors, Center Sponsors, Sponsors of Day Care Homes, Adult Day Care (Breakfast, Lunch, Supplements, and the At Risk Snack Program), the Summer Food Service Program and the Pilot Fruit and Vegetable Program. Thorius indicated that Team Nutrition was an educational initiative to support the meal programs. The overall goal for this program was to have

children make healthier eating and physical activity choices at school, home and in the community to foster healthy lifestyle habits for a lifetime.

Ms. Thorius said that nutrition education was available in pre-K through grade 12 and is integrated into the core curriculum for school districts. The marketing of the nutrition program promotes healthy eating and physical activity, students receiving positive motivating messages and schools that encourage healthy food choices.

Rules: Chapter 17, “Open Enrollment” Amendments

Carol Greta, Legal Consultant, presented this agenda item. Judy Jeffrey, Division Administrator and Tom Andersen, Consultant were also available. Ms. Greta said that Iowa Code Subsection 256.7 provided authority for the State Board to promulgate rules from Department guidelines and decisions to implement statutory language. The proposed amendments would implement Chapter 180, section 35, 2003 Acts of the 80th General Assembly. These amendments would also implement guidelines for past precedent set in State Board of Education decisions. Greta recommended approval for filing the notice of intended action to amend Chapter 17.

Motion: Sister Jude Fitzpatrick moved that the Chapter 17, “Open Enrollment” rule amendments be approved for Notice of Intended Action. Mary Jean Montgomery seconded.

Vote: The motion carried unanimously.

Rules: Chapter 33, “Educating the Homeless” Amendments

Carol Greta, Legal Consultant, and Ray Morley, Consultant, Bureau of Instructional Services presented the amendments to Chapter 33 rules. Carol Greta indicated that Iowa Code Subsection 256.7 provided authority for the State Board to promulgate rules to implement statutory language. The proposed amendments would implement the provisions of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. sections 11431, et seq., which would meet requirements of the federal No Child Left Behind Act. This rule would allow homeless children and youth to have immediate access to school, increased potential to stabilize their education with minimal interruptions in service, and support assistance necessary to succeed in school.

Motion: Don Roby moved and Kay Wagner seconded that the State Board approve filing the Chapter 33 rule amendments for notice of intended action.

Vote: The motion carried unanimously.

Appeal Decisions

In re Andrew Ulrich v. East Greene Community School District, 22, Do.E. App. Dec. 194. Carol Greta, Legal Consultant, indicated the Appellants were seeking reversal of the decision of the local Board of Directors made on October 21, 2003 to uphold the football coaches' punishment for an admitted violation of the good conduct policy. She said that both parties had agreed that local boards may punish students who run afoul of good conduct rules. Greta said the District proposed that coaches and other sponsors of extracurricular activities may impose their own rules and punishments that impact the eligibility of students for those activities. The school district had also argued that its Board delegated part of its rulemaking authority to the coaches and ratified the coaches' decision. Greta indicated that neither of the District's arguments is consistent with Iowa case law.

Carol Greta said the District had appealed the proposed decision, denying that the team rules affect eligibility. The word "eligibility" was not used by either football coach, however, when the coaches advised their players to ignore the local Board's eligibility policies in favor of the team rules, those rules did affect eligibility.

Several Board members shared concerns on the explanation of the term "ineligible" v. "kicked-off."

Motion: It was moved by Kay Wagner and seconded by Jim Billings to approve the proposed decision In re Andrew Ulrich, that the decision of the Board of Directors of the East Greene Community School District made on October 21, 2003 upholding the imposition of a good conduct penalty against Andrew Ulrich, be reversed.

Vote: The motion carried unanimously.

Carol Greta, Legal Consultant reviewed the decision In re Kassie Quick. She indicated the Appellants were seeking reversal of the decision of the Alden Community School District Board of Directors made on February 9, 2004, denying their requests that their children be transferred out to a contiguous district following the Board's decision to wholegrade share with Iowa Falls. Greta said that the provisions of Iowa Code section 282.11 (2003) allowed the parent or guardian of an affected pupil the discretion to transfer the pupil to a district other than the district of residence during the term of the agreement, within the 30-day period prior to the signing of the agreement. She noted that the Appellants had received erroneous information on the time allowed by law to transfer out from both the Alden

and Iowa Falls districts' administrations and from the Alden Board of Directors.

The Alden Board disallowed the transfer requests and did not consider any of the merits behind the requests. Concluding that the Alden Board was wrong to not consider the transfer requests, the decision remands all of the requests back to the Board for consideration of the merits.

Motion: It was moved by Mary Jean Montgomery and seconded by Sister Jude Fitzpatrick that the decision of the Alden Community School District Board of Directors' decision made on February 9, 2004, to deny the transfer requests be reversed and remanded for further proceedings.

Vote: The motion carried unanimously.

Director Stilwill handed out the proposed topics for the May State Board meeting.

President Gene Vincent adjourned the April State Board meeting at 5:47 p.m.

Gene Vincent
President

Ted Stilwill, Director and
Executive Officer